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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,589

10/02/2003

Bruce A. Rosenthal

8210

7590

08/25/2004

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EXAMINER

MACK, RICKY LEVERN

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/677,589	ROSENTHAL, BRUCE A.	
	Examiner	Art Unit	
	Ricky L Mack	2873	<i>AC</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1,6-10 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1, 6-10 and 16-19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/8/04.
2. Applicant's election with traverse of claims 2-5, 12-15 and 20 along with generic claim 11 in the reply filed on 6/8/04 is acknowledged. The traversal is on the ground(s) that the nonelected claims should be examined together as they do not constitute an unreasonable search. This is not found persuasive because the nonelected claims have feature unique from those now elected and should applicant further amendment nonelected claims the uniqueness of said nonelected claims would be further removed. Should allowable subject matter be found and should applicant consider including said allowable subject matter into said nonelected claims, the Examiner would revisit this issue.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the printing plate for printing parallel image strips on top of one another must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only

one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: The limitation (in claim 20) of a printing plate for printing parallel image strips on top of one another on a transparent sheet is not found in the specification. The only place where an image strip is found to be on top of another is in prior art figure 2. Applicant is asked to clarify or provide a more detailed account of this limitation. No new matter is permitted.

Appropriate correction is required.

### ***Claim Objections***

5. Claim 20 is objected to because of the following informalities: The limitation of a printing plate for printing parallel image strips on top of one another on a transparent sheet is not found in the specification. The only place where an image strip is found to be on top of another is in prior art

figure 2. Applicant is asked to clarify or provide a more detailed account of this limitation. In line 1, of claim 20, "transparent" should be "transparent". No new matter is permitted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee (5644431) in view of Sandor et al. (5330799).

Magee discloses, as in claims 2, 5 and 11, process for forming an optical system comprising: providing a transparent sheet (711), and forming parallel light directing portions (721) on said transparent sheet through embossment. Magee discloses the claimed invention except for printing parallel image strips (720) in alignment with said parallel light directing portions; wherein said method comprises a step of aligning said light directing portions with said image strips (see figures 1 and 3; col. 2, lines 16-49; col. 3, lines 20-25 and 31-36). Within the same field of endeavor, Sandor discloses a process for making lenticules employing the step of printing parallel image strips in alignment with said parallel light directing portions wherein said method comprises a step of aligning said light directing portions with said image strips (col. 5, lines 49-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the process disclosed by Magee with the steps of printing parallel image strips in alignment with said parallel

light directing portions wherein said method comprises a step of aligning said light directing portions with said image strips disclosed by Sandor for the purpose of eliminating secondary operation required by the prior art (see col. 6, line 65 through col. 7, line 5).

Regarding claims 3, 12 and 13 and with further respect to claim 2, Sandor discloses cutting/slitting/trimming the lenticular sheet in a direction believed to be perpendicular to the optical axis of the lenticules (see step 84; col. 14, lines 28-30; and figure 10).

Regarding claim 4, 14 and 15, Sandor implicitly discloses, as in claim 4, a process further comprising guiding the embossed plastic film with devices producing sensory response to the differential of parallel ridges, valleys, and edges into presses selected from the group consisting of printing presses and laminating presses (col. 5, lines 49-55).

#### *Examiner's Comments*

8. The allowability of claim 20 has not been fully determined as it is unclear as whether this is adequately described in the specification.

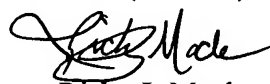
#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing a lenticular sheet employing an embossing step, or these references are cite for having relevant structure or for being cited in a related application: Lamberts (4028109), Rosenthal (4034555), Fotland et al. (4920039), Quadracci (5108531), Quadracci et al. (5457515), Steenblik et al. (5461495), Taniguchi (5696596), Torigoe et al. (5812152), Wu et al. (5757545), Yamashita et al. (6130777), Wang et al. (6277232), Gottfried et al. (6329987), Rosenthal (6751024) and Magee (20020001133).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky L Mack whose telephone number is (571) 272-2333. The examiner can normally be reached on Monday-Friday (6:30 AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricky L Mack  
Primary Examiner  
Art Unit 2873

RM  
August 21, 2004